

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON  
Plaintiff,  
v.  
STANLEY TAYLOR, et al,  
Defendants;

Plaintiff Opening Brief IN support  
OF his Request to Deny Defendants Motion  
FOR Summary Judgment and Grant Plaintiff  
MOTION FOR Summary Judgment

- 1) THERE is "A genuine issue". Plaintiff Wilson is now in D.C.C. In fact, lost his Tutoring job which was a source of income and good time.
- 2) Plaintiff will be submitting an Affidavit stating how his job was taken and how he was moved to D.C.C. as Deputy Attorney General has already stated in her motion for Summary Judgment.
- 3) A material fact is Plaintiff was not investigated nor received a write-up for any such thing as pitting one officer against the other.
- 4) Plaintiff was denied "Equal Protection" and was racially discriminated against by Defendants.

- 5) Plaintiff was told directly from Deputy Warden Mike Deloy that he was not going back to the Meert building and that they did not know what they was going to do with him.
- 6.) Plaintiff is Challenging his Transfer to A.S.D.A. The loss of his Job and his Transfer to D.C.C. without Due Process, Equal Protection, Racial Discrimination and Retaliation.
- 7.) Plaintiff filed grievances about actions being displayed toward him and wrote the Warden informing him that their actions was unconstitutional see grievances and Letter Attached.
- 8.) Grievances that The Warden signed off on making their Actions a policy against Black inmates (Plaintiff)
- 9.) Plaintiff was informed by C/o Karl Paoline that the administration was plotting to move him because of the constant grievance filing.
- 10.) Plaintiff has no record or discipline hearing that he was under investigation. Deputy Warden Mike Deloy moved Plaintiff to A.S.D.A. because Plaintiff informed C/o V. Watson that an officer C/o Diaz offer to give inmate Chris Waller food in exchange for any information that he found out about her.
- 11.) Plaintiff should not have been retaliated against for this *Toolasprashad v. Bureau of Prison*, 286 F.3d 576, 585 (D.C. Cir. 2002) (officials may



may not retaliate by transferring prisoners to different prison for filing grievances.

CORNELL v. Woods, 69 F.3d 1383, 1387 (8th Cir. 1995)

1st Amendment implicated because prisoner alleged transfer in retaliation for cooperating with misconduct investigation of prison guard.

DAVIS v. Kelly, 160 F.3d 917, 920 (2d Cir. 1998)

ROUSE v. Benson, 193 F.3d 936, 940 (8th Cir. 1999)

12) WARDEN Rick Keeney, Mike Delay; did not afford me equal protection and discriminated against plaintiff through retaliatory actions by moving plaintiff to A.S.D.A. with no disciplinary infraction. Reclassified plaintiff to another institution; took plaintiff Tutor job away

13) There clearly is "A genuine issue" with the 'material fact'.

14) Plaintiff will subpoena % v. Watson, Corp. Stolcenbach; LT, Hollis; LT, D. Fisher; Counselor Dennis Furham, % Karl Pauline who have personal knowledge of plaintiff's being moved and retaliated against.

15) Allan Pendery who is white went to A.S.D.A. for an investigation then returned to Merit building and received his job as a tutor back.

16) Warden Keeney states in his Memorandum that my Classification and housing will be determined at the conclusion of the investigation. See Memo.

16. Plaintiff Classification should be based on his points not hearsay. Plaintiff was not found guilty of any infractions by the institution; denied equal protection; discriminated against and retaliated against for speaking the truth and exercising his 1<sup>st</sup> amendment right.
17. Plaintiffs are asking for injunctions; I'm the only one asking for damages. Defendants Motion should be dismissed with prejudice and Plaintiff should be granted Summary Judgment

Dated: 7/29/07

James A. Wilson  
D.C.C.  
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